

**Andover Conservation Commission Meeting Minutes**  
**April 5, 2011**

Town of Andover  
36 Bartlett Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

**Conservation Members in Attendance:**

Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Gail Ralston and Commissioner Floyd Greenwood. Staff member present was Robert Douglas, Director of Conservation.

**SCHEDULED ITEMS:**

**Pan Am, Inc. Rights of Way in Andover**

*Staff Recommendation: Approve using revised map.*

Continued Public Meeting on the Request for Determination of Applicability filed to verify the wetland boundaries only along all “Pan Am, Inc. Rights of Way” that are subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The Applicant is requesting to spray for invasive species within the wetlands and along Shawsheen River. This was continued from March 15, 2011 for Applicant to submit a revised plan per staff recommendations. Staff has revised the map to protect the Shawsheen River wetlands.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to Approve using the revised staff map, it was seconded by Commissioner Driscoll and unanimously approved.

**Rocky Hill Road #47**

**Present in Interest: Greg and Rebecca McCabe**

*Staff Recommendation:*

Continued Public Hearing on the Request for Determination of Applicability filed to determine if the construction of an inground pool and fence is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. This was continued from March 15, 2011 for purposes of a site walk and reconfiguration of the plan. The pool has been reconfigured and now has a 70 foot setback from the BVW. The Commission recommends a no cut zone 10 feet off the back fence.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to Approve the plan as amended and issue Conditions with 10 foot no cut zone, it was seconded by Commissioner Driscoll and unanimously approved.

#### **1 Crystal Circle**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Approve as Pos. 5, Neg. 3*

Public Meetings on the Request for Determination of Applicability filed to determine if the proposed subsurface sewage disposal system is subject to the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

#### **4 Crystal Circle**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Approve as Pos. 5, Neg.4*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a single family dwelling and subsurface sewage disposal system is subject to the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law.

#### **8 Crystal Circle**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Approve as Pos.5, Neg. 4*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of a single family dwelling and subsurface sewage disposal system is subject to the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law.

#### **10 Crystal Circle**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Approve as Pos. 5, Neg. 3 and Neg.4*

Public Meetings on the Request for Determination of Applicability filed to determine if the grading on a single family lot is subject to the Massachusetts Wetlands Protection By-Law and/or the Andover Wetlands Protection By-Law.

Vice Chairman Walsh opened 1, 4, 8 and 10 Crystal Circle. Mr. Douglas presented these to the Commission. Jeff Bridge and Markus Pinney reviewed the sites with Agent Cleary. Mr. MacLeod informed the Commission that this is an 8 lot subdivision with only 4 lots falling under the By-Law. DEP took over the Appeal of the delineation around the detention pond, which is not a resource area. The Board of Health has reviewed and approved the septic plans.

Commissioner Driscoll pointed out there is a trail on the Tewksbury line to become part of the Bay Circuit. The pedestrian easement is in place as shown on the plan, but she would like some monumentation in place. Mr. MacLeod agreed to some marking but not a fence.

Commissioners Driscoll and Greenwood would like to go on a site visit. Mr. Douglas has been out to the site and Commissioner Ralston does not support a site visit because this has been on the table for over 3 years.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to Approve 1, 4, 8 and 10 Crystal Circle, it was seconded by Commissioner Porter and approved by a vote of 3-2 with Commissioners Driscoll and Greenwood opposed.

### **43 Martingale Lane**

**Present in Interest: Jacqueline Kovacs**

*Staff Recommendation: Approve*

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of a deck is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The deck will be built on existing lawn area 35-40 feet from the resource area. Staff to work with the Applicant to firm up the plan. Only 1 pier will be used, excavating by hand and no silt fence required.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to Approve, it was seconded by Commissioner Greenwood and unanimously approved.

### **86 Lowell Street**

*Staff Recommendation: Approve and Issue*

Continued Public Meeting on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for a project to restore two (2) existing drainage swales to improve effectiveness.

Mr. Douglas presented this to the Commission. Approved at meeting of March 15, 2011. Staff to work with DPW to reduce riprap if possible.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to Approve and issue, it was seconded by Commissioner Greenwood and unanimously approved.

### **Blanchard Street #15**

*Staff Recommendation: Approve and Issue*

Continued Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of three little league fields, one multi-purpose field and associated drainage, parking and walkways.

Mr. Douglas presented this to the Commission. This is well designed multi-purpose fields with a drainage system. The plan was approved at the March 15, 2011 hearing.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to Approve and Issue, it was seconded by Commissioner Ralston and unanimously approved.

### **Fosters Pond Road #30**

**Present in Interest: Ben Osgood, Jr., Virginia and Richard Davis, Alice Davis, Steve Cotton**

*Staff Recommendation: Approve and Issue*

Continued Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed razing of existing dwelling and construction of a new dwelling.

Mr. Douglas presented this to the Commission. This was continued from March 15, 2011 for purposes of a site walk. The Applicant would like to build a 40 x 28 colonial with well and septic system. The 50 foot no build will be maintained and the 25 foot no disturb will be marked. There will be minimal grading near the pond and the trees to be cut have been marked. The existing access to the pond to remain no wider than 8 feet to remain naturally grassed and markers to be installed.

Alice Davis believes she may have access to the pond along this property, but nothing has been recorded.

Steve Cotton reminded the Commission and Applicant that the lake management discourages fertilizers near the pond.

Vice Chairman Walsh asked for a Motion. Commissioner Greenwood made a Motion to close the Public Hearing and Approve with the access marked and to remain 8 feet wide with natural cover, it was seconded by Commissioner Driscoll and unanimously approved.

**Wescott Road #7**

**Present in Interest: Bernie Paquin, Jim Adams, Ralph Salatins**

*Staff Recommendation: Approve and Issue*

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of an inground pool with associated work.

Mr. Douglas presented this to the Commission. This was continued from March 1, 2011 and March 15, 2011 to allow the Applicant and neighbors to come to an agreement. A new plan has been submitted with the pool moved 5 feet further from the lot line and a swale into a berm to direct the drainage to the rear of the property instead of the side property line.

Vice Chairman Walsh asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing and Approve the revised plan, it was seconded by Commissioner Ralston and unanimously approved.

**William Street #52**

**Present in Interest: Eric Rumff, Kaija Gilmore, Stephen Gates and Laurie Zimmerman**

*Staff Recommendation: Continue*

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed demolition of an existing house and the construction of a single family dwelling.

Mr. Douglas presented this to the Commission. This is continued from March 1, 2011 to determine if all permits need to be applied for. It was determined after a meeting with the Building Inspector, Kaija Gilmore, that all permits need to be applied for. A new dwelling to replace the existing dwelling could not be bigger in volume. The proposed dwelling is larger and would need zoning approval because there is not enough frontage. This is a nonconforming lot which requires a zoning application and approval. The Commission requires that all applications be applied for. Staff has scheduled a meeting with Town Counsel to get definite answers regarding the permits.

Vice Chairman Walsh asked for a Motion. Commissioner Greenwood made a Motion to continue to April 19, 2011 meeting, it was seconded by Commissioner Driscoll and unanimously approved.

**40 Andover Country Club Lane**  
**Present in Interest: Steve Eriksen**

*Staff Recommendation: Continue*

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed excavation of two irrigation ponds at the Andover Country Club.

Mr. Douglas presented this to the Commission. This was continued from March 1, 2011 to allow Applicant to answer the question of whether this work is exempt under WPA or if they need to overcome the presumption of wildlife habitat. The ponds were dug 25 years ago and used for irrigation purposes. Due to build up of materials the ponds do not hold enough water now for irrigation. The material will be removed, the structures repaired and excavated. The material will be removed to outside the buffer zone for use on the course. Mr. Eriksen has conducted a wildlife habitat study and there are no indications of wildlife.

The state DOES refer to fairways on golf courses in its regulations, not land under water body. The Applicant has not met the presumption and staff recommends a wildlife study.

The Commission recommended the Applicant overcome the presumption for wildlife habitat to work in land under water body and to go through the entire process.

Vice Chairman asked for a Motion. Commissioner Driscoll made a Motion to continue to April 19, 2011, it was seconded by Commissioner Porter and unanimously approved.

**22 Gould Road**  
**Present in Interest: Jim Cavanaugh**

*Staff Recommendation: Continue*

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling.

Mr. Douglas presented this to the Commission. The filing is subject to both the WPA and By-Law. The Applicant is seeking to build a single family dwelling, pool and cabana. The plan submitted is deficient per the plan requirements under the By-Law. There is no 50 foot no-build, permanent markers need to be installed at the corner of haybale line, the septic must be outside the 100 foot buffer and all other set back must be met. There is also a vernal pool behind this site.

Commissioner Porter commented on the amount of impervious area between the house, driveway, patio, etc., it looks like 80% will be impervious with a lot of runoff. Mr. Cavanaugh stated a stone trench will be dug along the driveway to channel the runoff and there will be no gutters.

The Applicant must apply for all other permits that may be required. The Commission scheduled a site visit for April 8, 2011.

Vice Chairman Walsh asked for a Motion. Commissioner Ralston made a Motion to continue to a date uncertain, it was seconded by Commissioner Driscoll and unanimously approved.

### **ACTION ITEMS:**

#### **Foster's Pond Herbicide Treatment 2011**

**Present in Interest: Steve Cotton**

*Staff Recommendation: Approve*

Consideration of significance for Foster's Pond Herbicide Treatment for 2011. Schedule and program for treatment of aquatic nuisance vegetation under an Order of Conditions issued by the Andover Conservation Commission DEP File No. 90-535. Fanwart is back in Foster's Pond. The only effective treatment is sonar to treat the entire lake. Dug Pond is carpeted with a new invasive weed which will be treated with Diquete.

Commissioner Ralston made a Motion to Approve the program submitted for 2011 under the Order of Conditions, it was seconded by Commissioner Driscoll and unanimously approved.

#### **209 North Main Street**

*Staff Recommendation: Find Insignificant*

Consideration of significance with regard to Revised Plans. There is a realignment of sewer manhole as a result of discovering unknown pipes which created a conflict in the original design. This change has no impact on the resource area.

Commissioner Ralston made a Motion to find the change insignificant, it was seconded by Commissioner Driscoll and unanimously approved.

### **CONSENT AGENDA:**

#### **Andover Country Club**

**Present in Interest: Mr. and Mrs. Grossman**

Discussion of mitigation planting plan for the cutting that was performed on the site. This was continued from March 1, 2011. Paul Finger is reviewing the mitigation plan and putting together a list of changes.

Commissioner Ralston made a Motion to continue to April 19, 2011, it was seconded by Commissioner Driscoll and unanimously approved.

### **INFORMATION ITEMS THAT MAY REQUIRE A VOTE:**

#### **Taylor Cove**

**93-97 River Street**

Vote to Approve Ann Marton's (LEC) report on Riverfront status for Taylor Cove. Ann and staff are in disagreement with the Riverfront line as purported by the applicant and she has extended it much further to include 24 flags as opposed to 6. BVW flags were also changed and relocated. Ann is waiting for the new flags to be put on the plan before she makes her recommendation.

Commissioner Ralston made a Motion to accept Ann's recommendation, it was seconded by Commissioner Driscoll and unanimously approved.

### **DISCUSSION ITEMS:**

#### **Andover Trail Guide**

Presentation and copies of updated Trail Guide given to the Commission and the Conservation Special Project Manager. The Trail Guides will be available at the Andover Bookstore.

#### **Prides Circle #9**

Discussion of Appeal regarding Order of Conditions.



## **5 Hay Bale Road**

This site is subject to the By-Law and in receipt of a SOC from DEP. The By-Law takes precedence and the applicant needs to obtain both a COC from DEP and the Commission. The property has been sold and is in receipt of a COC from DEP, but not the Commission under the By-Law.

## **LATE ITEMS THAT MAY REQUIRE A VOTE:**

### **Dog Park**

#### **High Plain Road-Wood Hill Area**

**Present in Interest: Tracey Founters, Sim Kavanuagh, Wayne Nader and Alex Vispoli**

115,000 square feet to be enclosed by chain link fence and double gated off High Plain Road/Wood Hill Area. The trees will remain to provide shade and cover for the dogs. The by-laws have been changed to allow off leash for this area. The traffic study has been done and plans have been drawn up. The work will now go out to bid. Dog waste removal will be done on the honor system as is done in other towns.

Commissioner Driscoll made a Motion to endorse this plan, it was seconded by Commissioner Ralston and unanimously approved.

### **124 Haggetts Pond Road**

Discussion of issuance of Enforcement Letter for possible fill in a wetland area.

**The next meeting will be held April 19, 2011 at 7:45pm.**

**The meeting was adjourned at 10:25pm by Motion of Commissioner Driscoll, seconded by Commissioner Porter and unanimously approved.**

**Respectfully submitted by:**

**Lynn Viselli,  
Recording Secretary**